

27



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,025	11/21/2001	Travis J. Parry	10008081-1	2759

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EXAMINER

LIN, KELVIN Y

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,025

Applicant(s)

PARRY, TRAVIS J.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/21/01</u> . | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 USC 102(e) as being anticipated by Brackett C., (US Patent No. 6760755).
3. Regarding claim 1, Brackett teaches an imaging device comprising:
 - a network interface adapted for coupling to a network (Brackett, col. 7, l.14-16); and
 - a processing facility, wherein the processing facility is adapted to request a configuration from a second imaging device through the network interface in response to receiving an external upgrade command and a network location of the second imaging device (Brackett, col. 7, l.6-9, col.8, l.34-41).
4. Regarding claim 2, Brackett further discloses the imaging device of claim 1,

wherein the configuration from the second imaging device is requested from a storage location that is selected from the group consisting of: the second imaging device, a local network site, a remote network site, a website, a server, and a third imaging device (Brackett, col.1, l.1-5, col.2, l.8-10, col. 8, l.12-20, fig.2 illustrates several image devices).

5. Regarding claim 3, Brackett further discloses the imaging device of claim 1, wherein the external upgrade command is given by a management facility which resides on a platform that is selected from the group consisting of: a workstation, a server, a network device, a management interface on the imaging device, an embedded webserver in an imaging device, and a master imaging device (Brackett, col. 2, l.10-31, l.63-67, col.3, l.1-18).
6. Regarding claim 4, Brackett further discloses the imaging device of claim wherein the configuration from the second imaging device is selected from a group consisting of at least one of: firmware code, software code, supplemental data, and a configuration parameter (Brackett, col.2, l.32-42, col. 3, l.4-9, col. 5, l.10-23).
7. Regarding claim 5, Brackett further discloses the imaging device of claim 4, wherein the configuration from the second imaging device comprises at least one configuration parameter, where a mask is applied to the at least on configuration parameter to exclude portions thereof from being changed on the imaging device while being upgraded (Brackett, col.13, l.30-37, the attribute control engine

in charge of the attribute parameter).

8. Regarding claims 6-7 have similar limitations as claims 1-5. Therefore, claims 6-7 are rejected for the same reasons set forth in the rejection of claims 1-5.

9. Regarding claim 8, Brackett further discloses a method of updating configuration for imaging devices connected to a network, comprising:

- defining a list of similar imaging devices connected to the network (Brackett, co.1, l.62-66);
- defining a network location associated with desired configuration for the list of similar imaging devices (Brackett, col.5, l.24-30); and
- directing each imaging device of the list of similar imaging devices to retrieve the configuration from the network location (Brackett, col.11, l.57-60).

10. Regarding claim 9, Brackett further discloses the method of claim 8, further comprising:

- communicating with the imaging devices connected to the network with a management facility, wherein the management facility resides on a platform that is selected from the group consisting of: a workstation, a server, a network device, a management interface on the imaging device, an embedded webserver in an imaging device, and a master imaging device (Brackett, col. 2, l.10-31, l.63-67, col.3, l.1-18).

11. Regarding claim 10, Brackett further discloses the method of claim 9

Art Unit: 2142

further comprising:

- retrieving the configuration of an imaging device similar to the list of imaging devices with the management facility (Brackett, col.12, l.12-25); and
- placing the configuration at the network location (Brackett, col. 12, l.26-29).

12. Regarding claim 11, Brackett further discloses the method of claim 8, wherein the configuration is selected from the group consisting of: firmware code, software code, supplemental data, and at least one configuration parameter Brackett, col.2, l.32-42, col. 3, l.4-9, col. 5, l.10-23).
13. Regarding claim 12, Brackett further discloses the method of claim 8, wherein the configuration is at least one configuration parameter, and wherein a mask is applied to the at least one configuration parameter to exclude portions thereof from being changed on the imaging device while being upgraded (Brackett, col.13, l.30-37, l.62-64).
14. Regarding claim 13, Brackett further discloses the method of claim 8, wherein the network location is selected from the group consisting of: an imaging device similar to the list of imaging devices, a local network site, a remote network site, a website, and a server (Brackett, col.1, l.1-5, col.2, l.8-10, col. 8, l.12-20).
15. Regarding claim 14, Brackett further discloses the method of claim 10, further comprising: periodically checking for changes in configuration, and if a change is noted, initiating a follow-up update (Brackett, col.10, l.2-5).

Art Unit: 2142

16. Regarding claim 15, Brackett further discloses a method of upgrading an imaging device, comprising: receiving an external upgrade command and a network location associated with a desired configuration for the imaging device; and retrieving the desired configuration from the network location (Brackett, col.8, l.22-50, col.9, l.12-15)
17. Regarding claim 16, Brackett further discloses the method of claim 15, wherein the desired configuration is that of a similar imaging device (Brackett, col.8, l.37-39).
18. Regarding claim 17, Brackett further discloses the method of claim 15, further comprising: receiving the external command from a management facility, wherein the management facility resides on a platform that is selected from the group consisting of: a workstation, a server, a network device, a management interface on the imaging device, an embedded webserver in an imaging device, and a master imaging device (Brackett, col. 2, l.10-31, l.63-67, col.3, l.1-18).
19. Regarding claim 18, Brackett further discloses the method of claim 15, further comprising:
 - retrieving the configuration of a selected imaging device with a management facility (Brackett, col.12, l.12-25); and
 - placing the configuration at the network location (Brackett, col. 12, l.26-29).
20. Regarding claim 19, Brackett further discloses the method of claim 15, wherein the network location is selected from the group consisting of: an imaging device,

Art Unit: 2142

a local network site, a remote network site, a website, and a server (Brackett, col.1, l.1-5, col.2, l.8-10, col. 8, l.12-20).

21. Regarding claim 20, Brackett further discloses the method of claim 15, wherein the imaging device selects an appropriate version of the desired configuration from the network location to match its type (Brackett, col. 37-39).

Conclusion

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Sieffert K., (US Patent No. 5630101) System For Communication of Image Information Between Multiple-Protocol Imaging Devices.
- Kuroyanagi S., (US PG Pub No. 2001/0037390) Communication Device, Communication Method, Computer Program, and Storing Medium.
- Nishio M., (US PG Pub No. 2001/0044822) Network Control Apparatus And Method.
- Gross C., (US PG Pub. No. 2003/0028637) Method And Apparatus For Providing Network Access To a Shared Image Projection Device.
- NPL – Myers B., Using Multiple Devices Simultaneously for Display and Control, Personal Communication, IEEE, Vol. 7, Issue: 5, Oct. 2000, pp. 62-65.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 703-605-1726.

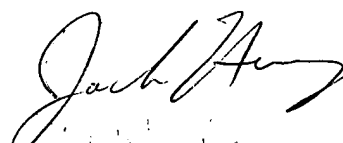
The examiner can normally be reached on Flexible 4/9/5.

Art Unit: 2142

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyl
2/17/05


JACK HARVEY
SUPERVISOR